

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:12-CV-18-D

MICHELE RICOMA,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
THE STANDARD FIRE INSURANCE)	
COMPANY, ONE OF THE TRAVELERS)	
PROPERTY CASUALTY COMPANIES,)	
)	
Defendant.)	

This case removed from state court comes before the court on the motion (D.E. 10) by plaintiff Michele Ricoma (“plaintiff”) for the issuance of a subpoena duces tecum to the Fayetteville Police Department pursuant to Rule 45(a) of the Federal Rules of Civil Procedure for records relating to an alleged burglary of plaintiff’s residence on 15 December 2008. Denial by defendant The Standard Fire Insurance Company (“defendant”) of plaintiff’s claim for losses allegedly resulting from the purported burglary is the basis for plaintiff’s claims in this case. (*See* Verified Compl. (D.E. 1-3)). Defendant consents to plaintiff’s motion and the proposed subpoena (D.E. 10-1) accompanying it. (*See* Mot. 1). The Fayetteville Police Department does not apparently object to producing the documents sought, but requires a court order in order to be able to produce them.¹ (Mot. ¶ 5). The court finds the production sought to be lawful. *See* Fed. R. Civ. P. 26(b)(1), 45(1)(C).

IT IS THEREFORE ORDERED as follows:

¹ The motion requests literally a subpoena signed by a judge, but the Federal Civil Rules do not provide for execution of subpoenas by judges. *See* Fed. R. Civ. P. 45(a)(3). The court’s authorization and directive for release of the records by the Fayetteville Police Department shall therefore be in the form of this Order, together with the subpoena to be issued by plaintiff.

1. Plaintiff's motion is ALLOWED.
2. Counsel for plaintiff may issue the proposed subpoena (D.E. 10-1), provided that the date for production shall be changed to a date no earlier than 27 April 2012 unless the Fayetteville Police Department agrees to an earlier date.
3. The Fayetteville Police Department shall produce the documents subject to the subpoena on the terms provided therein.
4. Plaintiff shall serve on defendant copies of all the documents she receives in response to the subpoena within two days after she receives them.

SO ORDERED, this 20th day of April 2012.



James E. Gates
United States Magistrate Judge